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EXAMINER

AHMED, AFFAF

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/091,612	<b>Applicant(s)</b> TAGSETH ET AL.	
	<b>Examiner</b> AFAF AHMED	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 9-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Status of Claims***

1. This action is in reply to the amendment filed on 10/07/2009.
2. Claims 1, 3, 4, 9-36 and 38 have been amended.
3. Claims 6-8 and 37 have been canceled.
4. Claims 1-5, 9-36 and 38 are currently pending and have been examined.

### ***Response to Applicant's Arguments***

5. Applicant's amendments and arguments filed on 10/07/2009 have been fully considered and discussed in the next section. Applicant is reminded that the claims must be given its broadest, reasonable interpretation.

6. With regard to claims 1-5, 9-36 rejection under 35 USC § 101, Applicant's amendment fails to define the claimed system by its physical structure. A system claim should be defined by its physical structural elements and corresponding functionality. Applicant has amended claim 1 to recite the limitation of: *a centralized repository configured on a server to store a plurality of incentive offers.*

However, as per Applicant's specification "The present invention may be described herein in terms of functional block components, screen shots, optional selections and various processing steps. It should be appreciated that such functional blocks may be realized by any number of hardware and/or software components configured to perform the specified functions (paragraph 41)". Therefore, given the broadest reasonable interpretation the server is software. And thus there is no physical structural elements are recited in the claims. The claims are directed to non statutory subject matter. Therefore, the claim rejection under 35 USC § 101 is maintained.

7. With regard to claims 38-50 rejection under 35 USC § 101, Applicant has tied the claimed method step to a machine. Therefore, the claim rejection under 35 USC § 101 is withdrawn.

8. With regard to claims 5, 43-44 and 49-50, Applicant did not traverse the examiner's assertion of official notice, therefore the common knowledge or well-known in the art statement is taken to be admitted prior art (MPEP 2144.03).

9. With regard to claims 1-5, 9-36 and 38-50 rejection under 35 USC § 103 (a), Applicant's arguments are considered, but they are persuaded. Applicant is reminded that the claims must be given its broadest, reasonable interpretation.

- Applicant argues that "*as noted on page 6 of the Office Action, McElfresh et al, fails to teach or suggest a centralized repository is further configured to store a set of offer details and the set of*

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*offer details includes at least a description of qualifying offerees, as specifically recited in claim 1 and similarly recited in claim 38."*

Examiner respectfully disagrees. Firstly, McElfresh in at least column 6, lines 57-67 and fig 3 with the associated text, discloses an ad/content placement database is provided for storing a plurality of ads. The ad/content placement contains information about each ad contract and/or embodiments for displaying advertisements to the user. McElfresh also in at least column 7, lines 6-13 discloses an embodiment of the invention where the contents of the ad are created and/ or licensed by administrator of such accounts and entered into the ad/content placement database. The RAD Server requests possible ads or content material based upon information from the particular user from the ad/content placement database. The ad/content database then returns the possible ads for placement on the webpage that fit the particular characteristics of the user.

Secondly, it appears that Applicant has misinterpreted the Examiner's rejection. No where the Office Action on page 6 discloses "*McElfresh et al, fails to teach or suggest a centralized repository is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees*", simply because the above limitation is newly added limitation. The Office Action stated that the McElfresh does not specifically disclose "*wherein the presentation engine is configured to receive the one or more retrieved offers from the retrieval **engine and then after selection by the retrieval engine modify** at least one element of at least one retrieved offer based on an offeree's trait and a context in which the one or more retrieved offers are to be presented* ", which has been addressed under Dedrick reference.

10. Applicant argues that "*Dedrick fails to remedy the above-noted deficiency of McElfresh*". Examiner respectfully disagrees. As shown above McElfresh has no deficiency. Dedrick reference was used to address the limitation of *wherein the presentation engine is configured to receive the one or more retrieved offers from the retrieval **engine and then after selection by the retrieval engine modify** at least one element of at least one retrieved offer based on an offeree's trait and a context in which the one or more retrieved offers are to be presented*.

11. Applicant argues that "*Sullivan is silent regarding a centralized repository that is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees, as specifically recited in claim 1 and similarly recited in claim 38.*" Examiner respectfully disagrees. As shown above, the newly added limitation is addressed under McElfresh reference.

12. Applicant argues that "*the remaining art, Walker et al 024, Brody et al, and Walker et al 718, has failed to reveal anything that , in Applicant's opinion , would remedy the above –noted deficiency of McElfresh et al., Dedrick and Sullivan et al., as applied against the claims herein*". Examiner respectfully

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disagrees. As shown above McElfresh has no deficiency, as McElfresh reference does address the newly added limitation.

### ***Claim Rejections - 35 USC § 101***

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 1-5, 9-36 are rejected are rejected under 35 U.S.C. 101 because the limitations recite a system per se which may be equated to that of interconnected devices which is defined by its physical structural elements and corresponding functionality. No physical structural elements are recited; the claims are directed to non statutory subject matter. The body of the claims comprises software, which are virtual not physical structures. Thus, the claims are non-statutory.

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1- 5, 9, 11-23, 34, 38, 43-44 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Dedrick, US Pat No: 5,696,965.

#### **Claims 1, 23 and 38:**

McElfresh discloses:

- *a centralized repository configured to store a plurality of incentive offers* (see at least column 6, lines 57-65);
- *a retrieval engine communicatively coupled to the centralized repository for retrieving one or more incentive offers from the plurality of incentive offers* (see at least column 7, lines 5-14 and fig 3 A with the associated text);
- *a presentation engine communicatively coupled to retrieval engine for presenting the one or more incentive offers, to an offeree* (see at least column 6, lines 36-40 and fig 3A with the associated text);

- *wherein the retrieval engine is configured to retrieve the one or more offers based at least in part on a set of rules defining particular contexts required to present the plurality of incentives offers stored in the central repository to specific offerees (see at least column 6, lines 15-56, column 7, lines 8-13 and column 2, lines 56-62);*
- *wherein the centralized repository is further configured to store a set of offer details and the set of offer details includes at least a description of qualifying offerees (see at least column 6, lines 66-67, column 7, lines 6-13 and fig 3 with the associated text;*

McElfresh does not specifically disclose, but Dedrick however discloses:

- *wherein the presentation engine is configured to receive the one or more retrieved offers from the retrieval engine and then after selection by the retrieval engine modify at least one element of at least one retrieved offer based on an offeree's trait and a context in which the one or more retrieved offers are to be presented (see at least column 5, lines 1-13, column 8, lines 40-56 and fig 2 with the associated text);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh the ability to selecting and then modifying advertisement (offers) based on user's information (offeree's traits) as taught by with Dedrick, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (providing users personalized advertisements (offers)) were predictable.

**Claim 2:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *a maintenance engine being adapted to cooperate with an administrator to create, modify, or delete an offer stored within the centralized repository (see at least column 7, lines 1-13);*

**Claim 9:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *maintenance engine being configured to facilitate tracking of times a particular offer has been sought or retrieved* (see at least column 11, lines 10-14);

**Claim 11:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

McElfresh further discloses:

- *maintenance engine being configured to facilitate export of a report in accordance with a predetermined set of criteria* (see at least column 7, lines 33-60 and fig 3A with the associated text, and column 8, lines 15-28);

**Claim 12:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *retrieval engine being configured to facilitate presenting of offers via a webpage* (see at least column 7, lines 12-14);

**Claims 13-20:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *a retrieval engine including a search tool for retrieving offers based on search criteria specified by a user;*
- *retrieval tool being configured to facilitate retrieval of an offer, said offer including only parameters defined by a user;*

See at least column 2, lines 44-48, column 7, lines 8-14, column 9, lines 7-21 and fig 3A and fig 3B with the associated text;

**Claims 21 and 22:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *retrieval engine is configured to facilitate generation of a report describing offers contained within the repository;*
- *retrieval engine is configured to facilitate generation of a report describing times an offer has been retrieved;*

See at least column 6, lines 57-67 and fig 3A with the associated text, column 7, lines 33-60 and fig 3A with the associated text and column 8, lines 15-28;

**Claim 34:**

The combination of McElfresh/ Dedrick discloses the limitations as shown above.

McElfresh further discloses:

- *wherein the centralized repository is further configured to store a set of offer details and the set of offer details include at least key word(s) (see at least column 6, lines 57-67 and fig 3A with the associated text);*

17. Claims 3, 4, 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Dedrick, US Pat No: 5,696,965 in view of Sullivan et al, US. Pub. No. 2001/0018665 A1.

**Claims 3 and 4:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:

- *provide a security mechanism to authenticate a merchant before granting access to the merchant;*
- *security mechanism being configured to limit access to a specific merchant or group of merchants whereby the security mechanism enables the maintenance engine to safeguard the confidentiality of data within the repository, preventing data from being disclosed in an unauthorized or undesirable manner (see at least paragraphs 106 and 107);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide a secure mechanism system to grant access to presented offers as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (prevent malicious attack of the system) were predictable.

**Claim 24:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:



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- *offer details includes at least an offer identifier, a description of qualifying offerees and an offer promotion identifier, an offer type, and a definition of offer terms (see at least paragraph 3, and paragraph 19);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide an incentive administration as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (effectively track promoted products and measure the effectiveness of the promotion) were predictable.

**Claims 25, 27, 29, 30 and 36:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:

- *offer details includes at least a merchant name;*
- *said offer details includes at least merchant demographics;*
- *offer details includes at least a merchant type identifier;*
- *offer details includes at least a geographic location identifier; and*
- *offer details includes at least customer service telephone number.*

See at least paragraph 60.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide an incentive administration as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (keeping track of retailers/clients helps manufacturers /services providers to better understand consumers needs) were predictable.

**Claims 26 and 28:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:

- *offer details includes at least a trademark identifying the target merchant or the target goods;*
- *offer details includes at least an offer category identifier;*

See at least paragraph 78.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide an incentive administration as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (keeping track of retailers/clients helps manufacturers /services providers to better understand consumers needs in future) were predictable.

**Claims 31, 32 and 33:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:

- *offer details includes at least a target product or service identifier ;*
- *offer details includes at least a description of a term of the offer ;*
- *offer details includes at least a definition of the term length for displaying the offer*

See at least paragraphs 13 and 108;

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide an incentive administration as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (keeping track of retailers/clients helps manufacturers /services providers to better understand consumers needs in future) were predictable.

**Claim 35:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Sullivan however, discloses:

- *offer details includes SKU/UPC information (see at least paragraph 14);*

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It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to provide an incentive administration as taught by Sullivan, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of (keeping track of promoted products helps manufacturers /services to improve their services and meet consumers needs in a competent manner) were predictable.

18. Claims 5, 43-44 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Dedrick, US Pat No: 5,696,965.

**Claim 5:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose:

- *wherein the system comprises one or more reviewing interfaces configured to allow reviewers to review and approve new offers;*

However, Official Notice is taken that it is old and well known in advertising art that when creating and licensing advertisement there are numerous review and approval cycles.

For example, when a manufacturer proposes a promotion to a retail store. The manufacturer representative offers a promotion to a retailer buyer by providing the buyer the nature and terms (contract) of the promotion. The retailer buyers evaluates the proposed promotion and analyses it in terms of the retailer needs (business objectives of the promotion, timing of the promotion, financial impact of the promotion, etc). After evaluating the proposed promotion, the retailer accepts the promotion as is, or negotiates different terms or rejects the promotion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate in light of McElfresh's/ Dedrick's teaching of optimizing and modifying advertisements (offers) on a webpage to include reviewing interface that allows review and approval of new offers with the motivation of ensuring the promotion is accurate, effective and conducted in compliance with the agreed terms.

**Claims 43-44 and 49-50:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

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The combination of McElfresh/ Dedrick does not specifically disclose:

- *wherein the offer element modified is the price of a product;*
- *wherein the price is modified based on the contextual environment criteria and wherein the contextual environment criteria includes a quantity of the product;*

However, Official Notice is taken that it old and well known in marketing art, that a price of a product is modified based on the availability (i.e. quantity) and the contextual environment of the product. For example, when a brand new Nintendo game is available for purchase, the price of the game stays high for a period of time until the company achieves their desired revenue and the product become widely available to consumers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate in light of McElfresh's/ Dedrick's teaching of optimizing and modifying advertisements (offers) on a webpage to include modifying the price of a product based on the availability (i.e. quantity) of the product and the contextual environment of the product with the motivation of maximizing the price of the product during the introductory period for recapturing developed cost.

19. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Dedrick, US Pat No: 5,696,965 in view of Brody et al, US Pub No: 2002/0077964 A1.

**Claim 10:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Borody however discloses:

- *maintenance engine being configured to facilitate tracking of times a particular class of offers has been sought or retrieved;*

See at least paragraphs 44, 41 and 69.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to track times a particular class of offers has been sought or retrieved as taught by Borody, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary

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skill in the art would have recognized the results (keeping track of specific category of offers) were predictable.

20. Claims 39-42, 45-47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElfresh et al, US Pat 6,907,566 B1 in view of Dedrick, US Pat No: 5,696,965 in view of Walker et al, US Pat No: 6,598,024.

**Claims 39-41 and 45-47:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Walker, however discloses:

- *wherein the at least one offer element modified includes an interest rate* (see at least column 8, lines 61-67 and column 9, lines 1-35 and column 12, lines 56-57);
- *wherein the interest rate is adjusted based on at least the offeree's creditworthiness level* (see at least column 7, lines 51-60 and fig 4 with associated texts);
- *wherein the modified offer is a credit card offer* (see at least 3, lines 35-42);

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to customize rewards based on specific account criteria as taught by Walker, since the claimed invention is a combination of old elements, since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results (capturing consumer's attention by providing consumers with offers that best fit their characteristics and need) were predictable.

**Claims 42 and 48:**

The combination of McElfresh/ Dedrick discloses the limitation as shown above.

The combination of McElfresh/ Dedrick does not specifically disclose, but Walker however discloses:

- *wherein the context includes the availability of a product* (see at least column 5, lines 61-67 and column 6, lines 1-4);

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the optimizing advertisements (offers) on a webpage of McElfresh/Dedrick the ability to offer products based on the availability of the product and the context of the offer as taught by Walker, since the claimed invention is a combination of old elements,

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since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results (providing consumers with offers that best fit their characteristics and need) were predictable.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/  
Primary Examiner, Art Unit 3622